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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2010-217

13 **CATHERINE ELIZABETH PRASAD,**
14 **a.k.a. CATHERINE PRASAD**
10841 Fire Island Circle
Stockton, CA 95209

ACCUSATION

15 Registered Nurse License No. 489301

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Louise R. Bailey, M.Ed., RN ("Complainant") brings this Accusation solely in her
20 official capacity as the Assistant Executive Officer of the Board of Registered Nursing ("Board"),
21 Department of Consumer Affairs.

22 2. On or about March 31, 1993, the Board issued Registered Nurse License
23 Number 489301 to Catherine Elizabeth Prasad, also known as Catherine Prasad ("Respondent").
24 Respondent's registered nurse license was in full force and effect at all times relevant to the
25 charges brought herein and will expire on February 28, 2011, unless renewed.

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STATUTORY PROVISIONS

3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing Practice Act.

4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.

5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

(a) Unprofessional conduct. . .

(f) Conviction of a felony or of any offense substantially related to the qualifications, functions, and duties of a registered nurse, in which event the record of the conviction shall be conclusive evidence thereof. . .

6. Code section 2762 states, in pertinent part:

In addition to other acts constituting unprofessional conduct within the meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person licensed under this chapter to do any of the following:

(a) Obtain or possess in violation of law, or prescribe, or except as directed by a licensed physician and surgeon, dentist, or podiatrist administer to himself or herself, or furnish or administer to another, any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code or any dangerous drug or dangerous device as defined in Section 4022.

(b) Use any controlled substance as defined in Division 10 (commencing with Section 11000) of the Health and Safety Code, or any dangerous drug or dangerous device as defined in Section 4022, or alcoholic beverages, to an extent or in a manner dangerous or injurious to himself or herself, any other person, or the public or to the extent that such use impairs his or her ability to conduct with safety to the public the practice authorized by his or her license.

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1 (c) Be convicted of a criminal offense involving the prescription, consumption, or
2 self-administration of any of the substances described in subdivisions (a) and (b) of
3 this section, or the possession of, or falsification of a record pertaining to, the
4 substances described in subdivision (a) of this section, in which event the record of
5 the conviction is conclusive evidence thereof...

6 7. Code section 2765 states:

7 A plea or verdict of guilty or a conviction following a plea of nolo contendere made
8 to a charge substantially related to the qualifications, functions and duties of a
9 registered nurse is deemed to be a conviction within the meaning of this article. The
10 board may order the license or certificate suspended or revoked, or may decline to
11 issue a license or certificate, when the time for appeal has elapsed, or the judgment of
12 conviction has been affirmed on appeal or when an order granting probation is made
13 suspending the imposition of sentence, irrespective of a subsequent order under the
14 provisions of Section 1203.4 of the Penal Code allowing such person to withdraw his
15 or her plea of guilty and to enter a plea of not guilty, or setting aside the verdict of
16 guilty, or dismissing the accusation, information or indictment.

17 8. Code section 4060 states:

18 No person shall possess any controlled substance, except that furnished to a person
19 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
20 naturopathic doctor pursuant to Section 3640.7, or furnished pursuant to a drug order
21 issued by a certified nurse-midwife pursuant to Section 2746.51, a nurse practitioner
22 pursuant to Section 2836.1, a physician assistant pursuant to Section 3502.1, a
23 naturopathic doctor pursuant to Section 3640.5, or a pharmacist pursuant to either
24 subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of paragraph
25 (5) of, subdivision (a) of Section 4052.

26 This section shall not apply to the possession of any controlled substance by a
27 manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
28 optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly labeled with
the name and address of the supplier or producer.

Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
physician assistant, or a naturopathic doctor, to order his or her own stock of
dangerous drugs and devices.

9. Health and Safety Code section 11173, subdivision (a), states, in pertinent part:

No person shall obtain or attempt to obtain controlled substances, or procure or
attempt to procure the administration of or prescription for controlled substances, (1)
by fraud, deceit, misrepresentation, or subterfuge . . .

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1 **COST RECOVERY**

2 10. Code section 125.3 provides, in pertinent part, that the Board may request the
3 administrative law judge to direct a licensee found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **CONTROLLED SUBSTANCES/DANGEROUS DRUG AT-ISSUE**

7 11. **Hydrocodone** is a Schedule II controlled substance as designated by Health and
8 Safety Code section 11055, subdivision (b)(1)(J).

9 12. **Opiates** are Schedule II controlled substances pursuant to Health and Safety Code
10 section 11055, subdivision (c), and are dangerous drugs within the meaning of Code section 4022.

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Criminal Conviction)**

13 13. Respondent is subject to disciplinary action pursuant to Business & Professions Code
14 section 2761, subdivision (f), in that she was convicted of a crime which is substantially related to
15 the qualifications, functions, and duties of a registered nurse, as follows: On or about January 16,
16 2007, in the criminal proceeding titled *People v. Catherine Prasad* (Super. Ct. San Joaquin
17 County, 2007, No. ST044555A), Respondent was convicted by the Court on her plea of guilty to
18 one misdemeanor count of violating Vehicle Code section 23152, subdivision (a) (driving under
19 the influence of alcohol or drugs). The circumstances of the crime are that, on or about
20 November 16, 2006, off-duty Sheriff's Officer Stephen Mettler ("Officer Mettler") noted
21 Respondent's vehicle to be weaving back and forth all over the roadway. Respondent
22 subsequently hit a curb, flattening her two right tires, and continued to drive until she reached her
23 home. Officer Mettler approached Respondent in her driveway and found her to be groggy and to
24 have trouble walking. Officer Mettler detained Respondent until Stockton Police Officer Daniel
25 Hampton ("Officer Hampton") arrived on scene. Officer Hampton noted Respondent to have
26 slurred speech and to stagger when she walked. Respondent told Officer Hampton that she had
27 taken two sedatives prior to leaving work at San Joaquin General Hospital. Officer Hampton then
28 transported Respondent to the police station where Stockton Police Officer Christian Sturdevant

1 ("Officer Sturdevant") questioned her. Respondent told Officer Sturdevant that she had had taken
2 two Soma, one Ativan, one Zyrtec, one Allegra, and one Vicodin that day. Based upon
3 Respondent's state, and her admission of taking medication prior to driving, she was placed under
4 arrest for driving under the influence.

5 **SECOND CAUSE FOR DISCIPLINE**
6 **(Use of Controlled Substances to an Extent or in a Manner
Dangerous or Injurious to Oneself or Others)**

7 14. Respondent is subject to disciplinary action pursuant to Code section 2761,
8 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
9 subdivision (b), in that in on or about November 16, 2006, while licensed as a registered nurse,
10 Respondent used the controlled substances/dangerous drugs Opiates to an extent or in a manner
11 dangerous or injurious to herself and/or others, as further set forth in paragraph 13, above.

12 **THIRD SECOND CAUSE FOR DISCIPLINE**
13 **(Conviction Related to the Consumption of Controlled Substances/Dangerous Drugs)**

14 15. Respondent is subject to disciplinary action pursuant to Code section 2761,
15 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
16 subdivision (c). On or about January 16, 2007, Respondent was convicted of a criminal offense
17 involving the consumption of the controlled substances/dangerous drugs Opiates, as further set
18 forth in paragraph 13, above.

19 **FOURTH CAUSE FOR DISCIPLINE**
20 **(Obtaining and Possessing a Controlled Substance)**

21 16. Respondent is subject to disciplinary action pursuant to Code section 2761,
22 subdivision (a), on the grounds of unprofessional conduct, as defined by Code section 2762,
23 subdivision (a), in that on or about February 17, 2006, March 13, 2006, and September 26, 2006,
24 while licensed as a registered nurse, Respondent did the following:

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Obtaining a Controlled Substance:

a. Respondent obtained the controlled substance Hydrocodone by fraud, deceit, misrepresentation, or subterfuge, in violation of Health and Safety Code section 11173, subdivision (a). On or about February 17, 2006, March 13, 2006, and September 26, 2006, Respondent obtained 60 tablets each time of Hydrocodone 10/325 mg from the Rite Aid pharmacy on Pacific Avenue in Stockton, California that had allegedly been prescribed to her by her personal physician, Anh X. Le, M.D. ("Dr Le"). However, according to Dr. Le., he did not treat Respondent or prescribe Respondent any medication on said dates. Further, Respondent had canceled her appointment with him on February 17, 2006.

Possession of Controlled a Substance:

b. On or about February 17, 2006, March 13, 2006, and September 26, 2006, Respondent possessed 60 tablets each time of the controlled substance Hydrocodone 10/325 mg without a valid prescription from a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor, in violation of Code section 4060.

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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

1. Revoking or suspending Registered Nurse License Number 489301, issued to Catherine Elizabeth Prasad, also known as Catherine Prasad;

2. Ordering Catherine Elizabeth Prasad, also known as Catherine Prasad, to pay the Board of Registered Nursing the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and

3. Taking such other and further action as deemed necessary and proper.

DATED: 10/21/09

Louise R. Bailey
LOUISE R. BAILEY, M.Ed., RN
Interim Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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